

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

**ORDER DENYING JOLIAN KANGAS’
MOTION TO INTERVENE**

This Order Relates To:
ALL ACTIONS (except the securities action)

Jolian Kangas filed a Motion to Intervene to appeal the Court’s Order denying his motion to intervene to conduct discovery. (Dkt. No. 1896; *see* Dkt. No. 1746.) Kangas does not need to intervene to appeal. His reliance on *United Airlines, Inc. v. McDonald*, 432 U.S. 385 (1977), for the proposition that Federal Rule of Civil Procedure 24 requires him to file a motion to intervene to appeal the denial of intervention (Dkt. No. 1896 at 2) is misplaced. *United Airlines* concerned a post-final judgment motion to intervene to appeal both a denial of intervention and a denial of class certification. 432 U.S. at 390. The Court held that such a motion is timely when the putative intervenor files the motion within the time period the named plaintiffs could have taken an appeal. (*Id.* at 396-97.) But there has been no final judgment and no denial of class certification here. The Court therefore **DENIES** his Motion. Intervention is not necessary under the circumstances to appeal the denial of the motion to intervene. *See Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843 (9th Cir. 2016) (considering appeal of district court’s denial of appellant’s motion to intervene in class action lawsuit); *Stringfellow v. Concerned Neighbors in Action*, 480 U.S. 370, 377 (1987) (“[W]hen an order prevents a putative intervenor from becoming a party in any respect, the order is subject to immediate review.”).

This Order disposes of Docket No. 1896.

IT IS SO ORDERED.

Dated: October 24, 2016

A handwritten signature in black ink, appearing to read 'C. R. Breyer', written over a horizontal line.

CHARLES R. BREYER
United States District Judge

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Northern District of California